IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24047 of 2004

Between:

K.A. Matheen, S/o K.S. Abdul Hassan,
R/o H.No. 5/2485, 17th Ward, Lakshmipet, Yemmiganur,Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Yemmiganur, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd Respondent in proceedings in Rc.M.1204/2004 dt. 3-12-2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner is a fair price shop dealer. His authorisation was suspended by the second respondent through order dated 03-12-2004 on the allegation that he has diverted 550 liters of kerosene meant for public distribution. Proceedings under Section 6-A of the Essential Commodities Act (for short 'the Act') were also initiated. Aggrieved by the order of suspension, the petitioner preferred an appeal before the first respondent, together with an application for stay. The first respondent is said to have rejected the stay petition. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On the face of it, the allegation against the petitioner is serious in nature. Further, the proceedings under Section 6-A of the Act have also been initiated against the petitioner. Under the Andhra Pradesh Public Distribution System Control Order 2001, pendency of proceedings under Section 6-A of the Act is one of the grounds for suspension of authorisation. Hence, this Court is not inclined to interfere with the orders passed by the respondents, at this stage. However, the first respondent shall dispose of the appeal as well as the proceedings initiated against the petitioner under Section 6-A of the Act, within a period of eight weeks from the date of receipt

of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

27-12-2004

kdl

To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Yemmiganur, Kurnool District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.